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OFFICE OF PETITIONS

In re Application of :
Nishihara et al. :
Application No 10/717487 :
Filing or 371(c) Date: 11/21/2003 : **DECISION**
Attorney Docket Number: 025720-00017 : **ON PETITION**

This is a decision in response to the Request to Withdraw the Holding of Abandonment, filed January 19, 2007. The petition is properly treated under 37 C.F.R. 1.181.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely/properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed September 15, 2006. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on December 16, 2005. A Notice of Abandonment was mailed January 8, 2007.

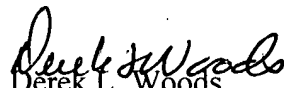
With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2817 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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Office of Petitions